

**WARREN COUNTY BOARD OF SUPERVISORS**

**COMMITTEE: LEGISLATIVE & RULES**

**DATE: AUGUST 13, 2018**

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS: LEGGETT  
BRAYMER  
WILD  
MCDEVITT  
DIAMOND  
DICKINSON  
GERAGHTY  
MAGOWAN  
SOKOL

**OTHERS PRESENT:**

RONALD F. CONOVER, CHAIRMAN OF THE BOARD  
RYAN MOORE, COUNTY ADMINISTRATOR  
AMANDA ALLEN, CLERK OF THE BOARD  
AMY LAVINE, FIRST ASSISTANT COUNTY ATTORNEY  
FRANK E. THOMAS, BUDGET OFFICER  
SUPERVISORS BEATY  
HOGAN  
HYDE  
LOEB  
MERLINO  
SIMPSON

**COMMITTEE MEMBERS ABSENT:**

SUPERVISORS: STROUGH  
DRISCOLL

WAYNE LAMOTHE, COUNTY PLANNER  
MIKE SWAN, COUNTY TREASURER  
GINA MINTZER EXECUTIVE DIRECTOR, LAKE GEORGE CHAMBER OF  
COMMERCE AND CVB  
TRAVIS WHITEHEAD, TOWN OF QUEENSBURY RESIDENT  
DON LEHMAN, *THE POST STAR*  
THOM RANDALL, *ADIRONDACK JOURNAL*  
MOLLY GANOTES-GLEASON, LEGISLATIVE OFFICE SPECIALIST

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*Please note, the following contains a summarization of the August 13, 2018 Meeting of the Legislative & Rules Committee; the meeting in its entirety can be viewed on the Warren County website using the following link:*  
<http://www.warrencountyny.gov/gov/comm/Archive/2018/legislative/>

In the absence of Committee Chairman Strough, Supervisor Leggett, as Vice-Chair, called the meeting to order at 10:02 a.m.

Copies of the Legislative & Rules agenda were distributed to the Committee members and a copy of same is on file with the meeting minutes.

Motion was made by Mr. Geraghty, seconded by Mr. McDevitt and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Commencing the agenda review with the Action Agenda/New Business Items, Ryan Moore, *County Administrator*, spoke regarding review and possible revision to the Occupancy Tax Law to address home rentals. He advised the version of the proposed Local Law No. 6 of 2015 that was in the agenda packet was not the edited version and he requested that the revised version be placed on the projector for review. While waiting for the document to be displayed, he suggested that the Committee move on to the Referral/Pending Item and review proposed changes to the County's FOIL (*Freedom of Information Law*) Policy.

Mr. Moore discussed the proposed changes to the FOIL Policy, indicating the majority of requests were directed to his Office through the County website already. He indicated the revisions suggested made clear that the County's Department Heads would serve as the custodians of information for their respective areas and that the County

Administrator's Office would serve as the Records Access Officer for all County records, excepting payroll records. He added the revisions suggested that FOIL requests should be received through the revised form on the County website, however, other forms of submission would be accepted, as well. He indicated using the form would maintain organization and ensure requests were answered within the time allowed by the law.

A brief conversation ensued. Following which a motion was made by Ms. Braymer, seconded by Mr. Dickinson and carried unanimously to approve the proposed changes to the FOIL policy and the necessary resolution was authorized for the August 17<sup>th</sup> Board Meeting.

Returning to the review and possible revision of the Occupancy Tax Law, Amy Lavine, *First Assistant County Attorney*, discussed changes to the Local Law which were displayed on the projector; *a copy of the document displayed is on file with the meeting minutes*. She indicated they were targeting room re-marketers such as Expedia and Hotels.com who purchased a large block of rooms and sold them online acting as an agent for the hotels. She apprised she had spoken to an Air B&B representative who indicated they were opposed to being referred to as room re-marketers, but were willing to work with the County to collect occupancy tax. She said they were concerned that the law as written would not include short-term home or apartment rentals. She informed that she and Mary Elizabeth Kissane, *County Attorney*, had discussed the law and determined it did cover those types of rentals; however, she noted, language was added to provide clarity. She explained this language was included in the preambles of the law to state what was occurring, and was also amended in the definition of hotel and motel.

Mr. McDevitt pointed out it seemed if there were less than four rental units the law would not apply. Mr. Wild inquired if these rules applied now and Ms. Levine responded the language was statutory and was included in the State law which authorized the collection of occupancy tax in Warren County, but noted this was not common language. She advised housekeeping cottages were similar to hotels in the way they provided housekeeping services. A brief conversation ensued regarding the State statute and the definition of hotel and motel. Mr. Beaty asked why RV (*Recreational Vehicle*) parks and campgrounds did not pay occupancy tax and Michael Swan, *County Treasurer*, replied they were exempt from State law. Mr. Wild inquired if Air B&B collected sales tax and Mr. Dickinson replied they would not collect sales tax unless State law required them to. Mr. Wild suggested that Air B&B representative be invited to attend the public hearing. Travis Whitehead, *Town of Queensbury Resident*, mentioned in some cases there could be an overload on the utilities.

A motion was made by Mr. Dickinson and seconded by Mr. McDevitt and carried unanimously to approve the proposed changes to the Occupancy Tax Law which would be made through local law following a public hearing and the necessary resolution was authorized for the August 17<sup>th</sup> Board Meeting.

As there was no further business to come before the Legislative & Rules Committee, on motion made by Mr. Dickinson and seconded by Mr. Wild, Mr. Leggett adjourned the meeting at 10:36 a.m.

Respectfully submitted,  
Molly Ganotes-Gleason, Legislative Office Specialist